

SENATE BILL REPORT

SB 6630

As Reported By Senate Committee On:
Health & Long-Term Care, January 30, 2006
Ways & Means, February 7, 2006

Title: An act relating to protecting communities from individuals with behaviors that pose a threat of violence or sexual violence.

Brief Description: Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence.

Sponsors: Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 1/26/06, 1/30/06 [DPS-WM].
Ways & Means: 2/6/06, 2/7/06 [DP2S].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6630 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen.

Staff: Sharon Swanson (786-7447)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6630 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Chelsea Buchanan (786-7446)

Background: In 1996, the Legislature began providing funding to the Department of Social and Health Services (DSHS) to create and run a program for persons with developmental disabilities who have demonstrated violent or sexually violent behaviors. The program, known as the Community Protection Program, continues to exist through budget proviso and through Division of Developmental Disabilities policy.

Currently, there are approximately 390 persons placed in the Community Protection Program. Of the 390, approximately 80 percent demonstrate sexually aggressive behavior, with the remaining 20 percent demonstrating violent, assaultive, or arsonist behaviors. Approximately 100 participants are registered sex offenders.

The community protection program offers twenty-four hour per day supervision, treatment and counseling, and access to job training skills through day service programs.

DSHS contracts with private companies to provide the required supervision for persons in the Community Protection Program. Currently, eighteen companies are providing services. Of the eighteen companies, four are non-profit.

Summary of Second Substitute Bill: The bill places the Community Protection Program in statute.

It sets forth criteria that a person with developmental disabilities must meet for placement in the Community Protection Program. Entry criteria includes, but is not limited to: conviction of or charged with a crime of sexual violence, including rape and child molestation; the commission of one or more violent offenses, including any class A felony, assault in the second degree, arson in the second degree, or robbery in the second degree; or constituting a current risk to others.

Prior to placement in the program, a person must first receive an assessment from a qualified professional to determine appropriateness for placement in the program.

A person is entitled to an administrative hearing under the Administrative Procedures Act if the person wants to appeal termination of community protection waiver eligibility, assignment to the community protection waiver, and denial of a request for a less restrictive community residential placement. Final decisions made by an administrative law judge may be appealed to superior court.

The process by which a program participant may seek placement in a less restrictive environment is codified. The process, enumerated within the bill, includes: success in complying with reduced supervision; remaining free of offenses that may indicate relapse for at least twelve months; and written verification of the participant's treatment progress.

DSHS's authority to take action against contracted providers of residential services who fail or refuse to comply with the terms of their contract is codified. Sanctions include decertifying or refusing to renew the certification of a provider, imposing conditions on the certification, or imposing civil penalties.

Second Substitute Bill Compared to Substitute Bill: The title is amended to reflect the purpose of the bill--the community protection program for people with developmental disabilities. Specific provisions relating to appeal rights and administrative hearings replace the more general provisions in the substitute bill. Rights to an administrative hearing apply only to termination from the community protection waiver, assignment to the community protection waiver, and denial of a request for a less restrictive community residential placement.

Substitute Bill Compared to Original Bill: The substitute bill removes the authority of the Long Term Care Ombudsman from having oversight of the Community Protection Program.

The substitute bill removes the requirement that all program participants receive a mandatory yearly re-assessment from a qualified professional.

The substitute bill allows a person being considered for placement in the Community Protection Program the right to retain services during the pendency of any challenge to placement, and allows the person the right to refuse to participate in the program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For (Health & Long-Term Care): The Community Protection program treats a very unusual population. The needs of the people in this program are difficult and challenging. It is very important that the program be placed in statute and have legislative oversight. The program has been operated with success by the department despite the portrait created by the media. Placing the program in statute and giving the long term care ombudsman oversight is a very positive response. The ombudsman program is a good step but the participants in the program need more protection. They need either guardians or attorneys appointed to represent their interests.

Testimony Against (Health & Long-Term Care): None.

Who Testified (Health & Long-Term Care): PRO: Kathy Leitch, Department of Social and Health Services - Aging and Disability Service Administration; Karen Ritter, Walsh and Associates; Donna Patrick, Developmental Disabilities Council; David Lord, Washington Protection and Advocacy System.

Testimony For (Ways & Means): This bill accomplishes an important purpose, codifying the community protection program. The costs are lower in the substitute than in the original, and additional work is being done to establish a low-cost budget proviso to deal with the ombudsman issue.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Senator Kline, prime sponsor.